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REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Algeria, Argentina, Australia, Belarus, Belgium, Bulgaria, Czech Republic, Denmark, Egypt, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Kazakhstan, Kyrgyzstan, New Zealand, Norway, Russian Federation, Slovakia, Slovenia, Sweden and Uzbekistan: draft resolution

Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security

The General Assembly,

Recalling its resolutions 46/58 of 9 December 1991, 47/38 of 25 November 1992 and 48/36 of 9 December 1993,

Taking note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, 1/ which met in New York from 7 to 25 March 1994 and completed a draft Declaration on the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security,

Convinced that the adoption of the Declaration will contribute towards strengthening the role and enhancing the effectiveness of the United Nations and of the regional arrangements or agencies in the maintenance of international peace and security,

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1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33 (A/49/33).

Considering the need to ensure a wide dissemination of the text of the Declaration,

Convinced that the Declaration will be a major and specific contribution of the Special Committee to the activities within the United Nations Decade of International Law,

1. Approves the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security, the text of which is annexed to the present resolution;

2. Expresses its appreciation to the Special Committee on the Charger of the United Nations and on the Strengthening of the Role of the Organization for its important contribution to the elaboration of the text of the Declaration;

3. Requests the Secretary-General to inform the Governments of the States Members of the United Nations or members of specialized agencies, the Security Council and regional arrangements or agencies which have observer status in the General Assembly of the adoption of the Declaration;

4. Urges that every effort be made to ensure that the Declaration becomes generally known and fully implemented.

ANNEX

Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security

The General Assembly,

Recalling the provisions of the Charter of the United Nations concerning the role of regional arrangements or agencies in the maintenance of international peace and security, in particular the provisions of Chapter VIII of the Charter,

Recalling also that resort to regional arrangements or agencies is among the means referred to in Chapter VI of the Charter for the peaceful settlement of disputes,

Recognizing that regional arrangements or agencies can play an important role in preventive diplomacy and in enhancing regional and international cooperation,

Recognizing also the importance of the role of regional arrangements or agencies in dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such regional arrangements or agencies and their activities are consistent with the purposes and principles of the United Nations,

Taking into account the experience gained and the favourable results achieved by regional arrangements or agencies in the peaceful settlement of disputes in different parts of the world,

Bearing in mind the variety of mandates, scope and composition of regional arrangements or agencies,

Considering that action at the regional level can contribute to the maintenance of international peace and security,

Emphasizing that respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the domestic jurisdiction of any State is crucial to any common endeavour to promote international peace and security,

Emphasizing also that peace-keeping activities undertaken by regional arrangements or agencies should be conducted with the consent of the State in the territory of which such activities are carried out,

Stressing the primary responsibility of the Security Council, under Article 24 of the Charter, for the maintenance of international peace and security,

Emphasizing that the efforts made by regional arrangements or agencies, in their respective fields of competence, in cooperation with the United Nations can usefully complement the work of the Organization in the maintenance of international peace and security,

Stressing the need to enhance cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security,

Considering that such enhanced cooperation between the United Nations and regional arrangements or agencies would promote collective security in accordance with the Charter,

Solemnly declares that:

1. In accordance with the provisions of the Charter of the United Nations concerning the role of regional arrangements or agencies in the maintenance of international peace and security, in particular Chapter VIII of the Charter:

(a) The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council;

(b) The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the States concerned or by reference from the Security Council;

(c) The above provisions in no way impair the application of Articles 34 and 35 of the Charter;

(d) The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority, but no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Council;

(e) The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security;

2. Regional arrangements or agencies can, in their fields of competence and in accordance with the Charter of the United Nations, make important contributions to the maintenance of international peace and security, including, where appropriate, through the peaceful settlement of disputes, preventive diplomacy, peacemaking, peace-keeping and post-conflict peace-building;

3. Cooperation between regional arrangements or agencies and the United Nations, in the maintenance of international peace and security, may take various forms, including, inter alia:

(a) Exchange of information and the holding of consultations at all levels;

(b) Participation as appropriate in the work of the United Nations organs, in accordance with the applicable rules of procedure and practices;

(c) Making available personnel, material and other assistance, where appropriate;

4. Cooperation between regional arrangements or agencies and the United Nations should be in accordance with their respective mandates, scope and composition and should take place in forms that are suited to each specific situation, in accordance with the Charter;

5. Regional efforts undertaken by regional arrangements or agencies in the area of the maintenance of international peace and security, within their respective fields of competence and in accordance with the purposes and principles of the Charter, should be encouraged and, where appropriate, supported by the Security Council;

6. States participating in regional arrangements or agencies are encouraged to consider the possibility of increasing efforts at the regional level for the maintenance of international peace and security in accordance with the Charter;

7. States participating in regional arrangements or agencies are encouraged to promote confidence-building at the regional level for the maintenance of international peace and security;

8. States participating in regional arrangements or agencies are encouraged to consider the possibility of using or, where appropriate, establishing or improving at the regional level procedures and mechanisms for the early detection, the prevention and the peaceful settlement of disputes, in close coordination with the preventive efforts of the United Nations;

9. Regional arrangements or agencies are encouraged to consider, as appropriate, in their fields of competence, ways and means for promoting closer cooperation and coordination with the United Nations with the aim of contributing to the fulfilment of the purposes and principles of the Charter, including in the fields of preventive diplomacy, peacemaking and post-conflict peace-building, and where appropriate, peace-keeping;

10. Regional arrangements or agencies are encouraged to consider, in their fields of competence, the possibility of establishing and training groups of military and civilian observers, fact-finding missions and contingents of peace-keeping forces, for use as appropriate, in coordination with the United Nations and, when necessary, under the authority or with the authorization of the Security Council, in accordance with the Charter;

11. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the

United Nations, 2/ the Manila Declaration on the Peaceful Settlement of International Disputes, 3/ the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, 4/ the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field 5/ and the Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security 6/ are hereby reaffirmed together with their provisions concerning the activities of regional arrangements or agencies in the maintenance of international peace and security;

12. Nothing in the present Declaration is to be construed as prejudicing in any manner the provisions of the Charter.

2/ General Assembly resolution 2625 (XXV), annex.

3/ General Assembly resolution 37/10, annex.

4/ General Assembly resolution 42/22, annex.

5/ General Assembly resolution 43/51, annex.

6/ General Assembly resolution 46/59, annex.